IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Contempt Petition No. 235 of 2007
IN
Second Appeal No. 316 of 2007 [decided]
[S.G. Gawate Vs. K.B. Gawate]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. A.S. Giradkar, Advocate for the petitioner.
Mr. A.A. Naik, Advocate for respondent sole.

CORAM : A.H. JOSHI, J.

DATE : 22nd November,2007.

1. Heard.

2. The petitioner's grievance is that the respondent has not filed an Undertaking as provided for in the order passed by this Court on 27th July, 2007.

3. Perused the order.

4. Had the contemnor filed an Undertaking, he would have been eligible to avail the benefit of continuing in the house for the tenure prescribed by the Court. As he has failed to file an Undertaking, he looses a chance to

secure the said benefit.

5. Failure to file an Undertaking by the respondent enables the petitioner to pursue the execution. In these premises, failure to file an Undertaking is innocuous and is not a contempt.

6. Petition has no merit. It is accordingly dismissed.

Judge

|Hedau|